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DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RACIAL DISCRIMINATION

Report of the Third Committee

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I. INTRODUCTION

1. The General Assembly, at its 1336th meeting on 24 September 1965, allocated to the Third Committee agenda item 58, entitled "Draft International Convention on the Elimination of All Forms of Racial Discrimination". The Third Committee devoted forty-three meetings (its 1299th to 1302nd, its 1304th to 1316th, held from 11 to 22 October 1965; its 1318th, held on 25 October 1965; its 1344th to 1358th, held from 16 to 29 November 1965; its 1361st to 1368th, held from 1 to 7 December 1965; its 1373rd and 1374th, held on 14 and 15 December 1965) to the consideration of the item.

2. The item was included in the agenda of the General Assembly in accordance with the decision of the Assembly in its resolution 1906 (XVIII). In that resolution, entitled "Preparation of a draft international convention on the elimination of all forms of racial discrimination", and adopted by the General Assembly on 20 November 1963, the Assembly requested the Economic and Social Council to invite the Commission on Human Rights, bearing in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth and eighteenth sessions of the General Assembly, any proposals on the matter that might be submitted by the Governments of Member States and any international instruments already adopted in that field, to give absolute priority to the preparation of a draft international Convention on the elimination of all

forms of racial discrimination, to be submitted to the Assembly for consideration at its nineteenth session.

3. The Commission on Human Rights accordingly gave absolute priority to the drafting of a Convention at its twentieth session and adopted the substantive articles of a draft Convention on the Elimination of All Forms of Racial Discrimination.^{1/}

4. The Economic and Social Council, in resolution 1015 B (XXXVII) of 30 July 1964 submitted to the General Assembly for its consideration at its nineteenth session the substantive articles prepared by the Commission on Human Rights, as well as the following documents which had not been voted upon by the Commission:

(a) The proposal for an additional article submitted by the United States of America and the sub-amendment submitted thereto by the Union of Soviet Socialist Republics^{2/} as well as the records of the discussion thereon in the Commission;^{3/}

(b) Article X of the draft Convention transmitted to the Commission on Human Rights by resolution 1 (XVI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which dealt with measures of implementation,^{4/} as well as the records of the discussion thereon in the Commission;^{5/}

(c) The preliminary draft of additional measures of implementation transmitted to the Commission by resolution 2 (XVI) of the Sub-Commission (annex I of the report of the Commission on Human Rights)^{6/} as well as the records of the discussion thereon in the Commission;^{7/}

(d) The working paper prepared by the Secretary-General for the final clauses of the draft Convention on the Elimination of All Forms of Racial Discrimination;^{8/}

^{1/} Official Records of the Economic and Social Council, Thirty-Seventh Session, Supplement No. 3 (E/3373), chapter II, draft resolution I (XX), annex.

^{2/} Ibid., paras. 273 and 274.

^{3/} E/CN.4/SR.805, 807 and 808.

^{4/} Official Records of the Economic and Social Council, Thirty-Seventh Session, Supplement No. 3 (E/3373), para. 231.

^{5/} E/CN.4/SR.805, 808 and 810.

^{6/} Official Records of the Economic and Social Council, Thirty-Seventh Session, Supplement No. 3 (E/3373), annex I.

^{7/} E/CN.4/SR.810.

^{8/} E/CN.4/L.679.

(e) The records of the discussion of this item by the Commission on Human Rights.^{1/}

5. Since the Assembly did not consider the item at its nineteenth session, it was included in the agenda of the twentieth session.

6. The Committee decided that it would not hold a general debate on the draft Convention as a whole. It proceeded to consider the texts of the preamble and each of the substantive articles submitted by the Commission on Human Rights (A/5921, annex). After a general discussion on measures of implementation, the Committee proceeded to elaborate these measures, based on a text submitted by Ghana, Mauritania and the Philippines (A/C.3/L.1291). The Committee then considered the final clauses, based on a preliminary draft suggested by the Officers of the Third Committee (A/C.3/L.1237).

7. At its 1311th meeting, the representatives of Greece and Hungary proposed the following draft resolution (A/C.3/L.1244):

"The Third Committee,

"Decides not to include in the draft Convention on the Elimination of All Forms of Racial Discrimination any reference to specific forms of racial discrimination."

3. On a roll-call vote requested by the representative of Togo, the Committee decided by 80 votes to 7, with 13 abstentions, to give priority to the consideration of the draft resolution of Greece and Hungary. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guinea, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago,

^{1/} E/CN.4/SR.774-310.

Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia.

Against: Australia, Belgium, Bolivia, Brazil, Canada, Israel, United States of America.

Abstaining: Austria, China, Costa Rica, Dominican Republic, Finland, France, Guatemala, Haiti, Italy, Ivory Coast, Luxembourg, Mexico, Netherlands, New Zealand, Panama, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

9. At its 1312th meeting, on 20 October, the Committee adopted by 32 votes to 12, with 10 abstentions, in a roll-call vote requested by the representative of Togo, the draft resolution of Greece and Hungary (A/C.3/L.1244). The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia.

Against: Australia, Austria, Belgium, Bolivia, Brazil, Canada, Israel, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: China, Costa Rica, Dominican Republic, Finland, France, Haiti, Italy, Ivory Coast, Mexico, Venezuela.

10. As a consequence of the adoption of the resolution, the following amendments and proposals relating to the provisions of the draft Convention were not pressed to the vote:

- (a) The amendment of Poland (A/C.3/L.1210) to insert in the sixth paragraph of the preamble the word "nazist" before the word "practices", and the revision of this amendment made at the 1301st meeting which read "nazist and other similar practices";
- (b) The proposal of Brazil and the United States of America (A/C.3/L.1211) to insert after article III, the following new article:

"States Parties condemn anti-Semitism and shall take action as appropriate for its speedy eradication in the territories subject to their jurisdiction."

- (c) The amendment of the Union of Soviet Socialist Republics (A/C.3/L.1231 and Corr.1, English only) to the text proposed by Brazil and the United States of America which read as follows:

"States Parties condemn anti-Semitism, Zionism, Nazism, neo-Nazism and all other forms of the policy and ideology of colonialism, national and race hatred and exclusiveness and shall take action as appropriate for the speedy eradication of those inhuman ideas and practices in the territories subject to their jurisdiction."

- (d) The amendment of Bolivia (A/C.3/L.1236) to amend the amendment of the Union of Soviet Socialist Republics by:

"(a) deleting the word 'Zionism', (b) replacing 'neo-Nazism' by 'in all its forms and manifestations', (c) replacing 'other forms of' by 'racism involved in', and (d) inserting a semicolon after 'exclusiveness'."

11. Also as a consequence of the vote, the amendment of Czechoslovakia (A/C.3/L.1220) to insert between the words "all" and "incitement" of article IV, para. (a) the words "dissemination of racial, fascist, nazi or other ideas and doctrines based on racial superiority or hatred" was revised to read "dissemination of ideas and doctrines based on racial superiority or hatred" (see paragraph 67 below).

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12. The various texts before the Committee, the amendments proposed and the voting thereon, as well as the draft resolutions considered by the Committee, are described below. No attempt has been made to summarize the opinions expressed by the various members of the Committee, and attention is drawn to the summary records of the discussions where these may be found (A/C.3/SR.1299-1302, A/C.3/SR.1304-1316, A/C.3/SR.1318, A/C.3/SR.1344-1358, A/C.3/SR.1361-1368, A/C.3/SR.1373 and A/C.3/SR.1374).

II. CONSIDERATION OF THE TEXT OF THE DRAFT CONVENTION

A. Preamble and Substantive Articles

The Preamble

13. The Committee discussed the preamble to the draft Convention at its 1300th to 1302nd and 1314th meetings on 12, 13 and 21 October 1965.

14. The text of the preamble, as submitted by the Commission on Human Rights, read as follows:

"The States Parties to this Convention,

"Considering that the Charter of the United Nations is based on the principle of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

"Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

"Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 solemnly affirmed the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations,

"Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination in theory or in practice anywhere,

"Reaffirming that discrimination between human beings on the grounds or race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security

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among peoples as evil racial doctrines and practices have done in the past,

"Concerned by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

"Resolves to adopt all necessary measures for eliminating speedily racial discrimination in all its forms and manifestations and to prevent and combat racist doctrines and practices in order to build an international community free from all forms of racial segregation and racial discrimination,

"Bearing in mind the Convention on Discrimination in Respect of Employment and Occupation adopted by ILO in 1958, and the Convention Against Discrimination in Education adopted by UNESCO in 1960,

"Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

"Have agreed as follows:".

Amendments submitted

Paragraph 1

15. The amendment of Lebanon (A/C.3/L.1222), proposed the replacement of the word "principle" by the word "principles".

New paragraph after paragraph 2

16. The amendment of Romania (A/C.3/L.1219), proposed the introduction of a new paragraph, after the second paragraph, to read as follows:

"Considering that all human beings are equal in their right to be protected by the law against any discrimination and against any incitement to discrimination."

17. The United Kingdom proposed (A/C.3/L.1230) to revise the amendment of Romania (A/C.3/L.1219) by replacing the words "in their right to be protected" by "before the law and are entitled to equal protection of". This amendment was accepted by the representative of Romania.

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Paragraph 3

18. The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1), proposed the insertion of the words "(General Assembly resolution 1514 (XV))" after "14 December 1960".

Paragraph 4

19. The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1), proposed the addition of the following words at the end of the paragraph:

"and of securing understanding of and respect for the dignity of the human person".

Paragraph 6

20. For the amendment of Poland (A/C.3/L.1210) see paragraph 10 (a) above.

21. The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1) called for the replacement of the words "as evil racial doctrine and practices have done in the past" by the following words: "as well as the harmonious coexistence of persons even within the same state." Subsequently this amendment was proposed for insertion after the words "among peoples" and revised to take into account a suggestion of the representative of India in the English text as follows:

"and the harmony of persons living side by side even within one and the same State".

New paragraph after paragraph 6

22. Brazil, Colombia and Senegal proposed (A/C.3/L.1217) the addition of the following as a new paragraph after the sixth paragraph:

"Convinced that the existence of racial barriers is repugnant to the ideals of any civilized society."

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23. In view of objections raised by some representatives to the use of the term "any civilized society", the sponsors of the amendment agreed to substitute the word "human" for the word "civilized".

Paragraph 7

24. The amendment of Lebanon (A/C.3/L.1222) sought the replacement of the word "concerned" by the word "alarmed".

Paragraph 8

25. The second amendment of Brazil, Colombia and Senegal (A/C.3/L.1217), as orally revised, called for the insertion of the words "... and to promote the elimination of racial barriers in order to build an international community free from such scourges" after the words "... racist doctrine and practices", and the deletion of the remaining words. This amendment was withdrawn at the 1302nd meeting.

26. The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1) called for the insertion of the words "promote understanding between races and to" after the words "Resolved to". At the 1302nd meeting, the representative of Argentina, on behalf of the other co-sponsors orally revised the amendment to insert the proposed words after the words "in order to".

Voting

27. At its 1314th meeting the Committee voted on the text of the Preamble as submitted by the Commission on Human Rights and the amendments thereto as follows:

- (a) The amendment of Lebanon (see para. 15 above) to paragraph 1 was adopted unanimously, and the paragraph as amended was also adopted unanimously.
- (b) Paragraph 2 of the original text was adopted unanimously.
- (c) Romania's amendment incorporating the United Kingdom amendment (see paras. 16 and 17 above), to add a new paragraph 3, was adopted unanimously.
- (d) The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (see para. 18 above) to paragraph 3 was adopted by 85 votes to none, with 1 abstention. The paragraph (new paragraph 4) as amended, was adopted by 85 votes to none, with 3 abstentions.

(e) The Committee agreed unanimously to add "(General Assembly resolution 1904 (XVIII))" after "United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963," and paragraph 4 (new paragraph 5), as amended, was adopted unanimously.

(f) Paragraph 5 (new paragraph 6) of the original text was adopted unanimously.

(g) The revised amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (see paragraph 21 above) to paragraph 6 was adopted by 78 votes to none, with 7 abstentions. The paragraph (new paragraph 7) as amended, was adopted unanimously.

(h) The revised amendment of Brazil, Colombia and Senegal (see paragraphs 22 and 23 above) to add a paragraph (new paragraph 8) after the sixth paragraph of the original text, was adopted by 79 votes to none, with 1 abstention.

(i) The amendment of Lebanon (see para. 24 above) to paragraph 7 was adopted by 37 votes to 5, with 39 abstentions. The paragraph (new paragraph 9), as amended, was adopted by 80 votes to none, with 5 abstentions.

(j) The revised amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (see paragraph 26 above), to paragraph 8 was adopted unanimously. The paragraph (new paragraph 10), as amended, was also adopted unanimously.

(k) Paragraphs 9, 10 and 11 of the original text (new paragraphs 11, 12 and 13) were adopted unanimously.

(l) The preamble as a whole, as amended, was adopted unanimously (for text see para. 212 draft resolution A, annex).

Article I (Article 1)*

28. The Committee discussed Article I of the draft Convention at its 1304th to 1307th meetings on 14, 15 and 18 October 1965.

29. The text of Article I submitted by the Commission on Human Rights read as follows:

* The numbering of the articles appearing in parenthesis are those of the text of the draft Convention adopted by the Committee as set out in paragraph 212, draft resolution A, annex.

"1. In this Convention the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. In this paragraph the expression 'national origin' does not cover the status of any person as a citizen of a given State.

"2. Special measures taken for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

Amendments submitted

Paragraph 1

30. Brazil proposed (A/C.3/L.1209) (a) the deletion of the words placed between square brackets, (b) the addition in parenthesis of the phrase, "and in the case of States composed of different nationalities discrimination based on such difference", after the word "origin", and (c) the addition at the end of the paragraph of the words "set forth inter alia in the Universal Declaration of Human Rights".

31. The amendment of Poland (A/C.3/L.1210) called for the removal of all brackets.

32. The amendment of France and the United States of America (A/C.3/L.1212) proposed (a) the deletion of the brackets around the word "national", (b) the deletion of the sentence in brackets: "In this paragraph the expression 'national origin' does not cover the status of any person as a citizen of a given State", and (c) the insertion of the following text as paragraph 2 and the renumbering of paragraph 2 accordingly:

"In this Convention the expression 'national origin' does not mean 'nationality' or 'citizenship', and the Convention shall therefore not be applicable to distinctions, exclusions, restrictions, or preferences based on differences of nationality of citizenship."

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33. The amendment of India (A/C.3/L.1216) called for the replacement of the paragraph by the following:

"In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, place of origin or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

34. Czechoslovakia proposed (A/C.3/L.1220) the insertion of the word "persecution" between the words "any" and "distinction".

35. The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1) called for the deletion of the words between square brackets, the insertion of the following phrase after the words "ethnic origin": "(and in the case of States composed of different nationalities, discrimination based on such difference)", and the addition after the words "public life" of the following phrase: "Laid down inter alia in the Universal Declaration of Human Rights".

36. Ghana, India, Lebanon, Morocco, Nigeria and Senegal proposed (A/C.3/L.1224) to insert the following text as paragraph 2 and to renumber paragraph 2 accordingly:

"This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party between citizens and non-citizens".

37. These amendments were all withdrawn by their sponsors at the 1307th meeting in favour of a joint amendment of Ghana, India, Kuwait, Lebanon, Mauritania, Morocco, Nigeria, Poland and Senegal (A/C.3/L.1238), which proposed the replacement of paragraph 1 of the text of the Commission on Human Rights by the following:

"1. In this Convention the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

"2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party between citizens and non-citizens.

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"3. Nothing in the present Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality."

Paragraph 2

38. The amendment of Mauritania, Nigeria and Uganda (A/C.3/L.1225), which proposed the replacement of the word "under-developed" by the word "under-privileged" after the words "of certain", was subsequently withdrawn on the presentation of the oral amendment of Ethiopia and India (see paragraph 40 below).

39. At the 1305th and 1306th meetings the representatives of the Democratic Republic of the Congo and the Ivory Coast, respectively, orally proposed the deletion of paragraph 2.

40. At the 1306th meeting, Ethiopia and India orally proposed to replace the words "development or protection of certain under-developed racial groups or individuals belonging to them" by the words "advancement of certain racial or ethnic groups or individuals needing such protection as may be necessary".

Voting

41. At its 1307th meeting on 18 October, the Committee voted on the text of Article I submitted by the Commission on Human Rights and the amendments thereto as follows:

(a) The amendment of Ghana, India, Kuwait, Lebanon, Mauritania, Morocco, Nigeria, Poland and Senegal (see para. 37 above) to paragraph 1 was adopted unanimously.

(b) The amendment of the Democratic Republic of the Congo and the Ivory Coast (see para. 39 above) to delete paragraph 2 of the original text was rejected by 52 votes to 14, with 20 abstentions.

(c) The oral amendment of Ethiopia and India to paragraph 2 (see para. 40 above) was adopted by 34 votes to 20, with 36 abstentions.

(d) Paragraph 2 (new para. 4), as amended, was adopted by 67 votes to 10, with 15 abstentions.

(e) Article I as a whole, as amended, was adopted by 89 votes to none, with 8 abstentions (for text see para. 212, draft resolution A, annex, article 1).

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Article II (Article 2)*

42. The Committee discussed Article II of the draft Convention at its 1306th to 1308th meetings on 15 and 18 October 1965.

43. The text of Article II as submitted by the Commission on Human Rights, read as follows:

"1. States Parties to the present Convention condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and to this end:

"(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

"(b) Each State Party shall take effective measures to review governmental and other public policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

"(c) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation if necessary, racial discrimination by any persons, group or national organization.

"2. States Parties shall take special concrete measures in appropriate circumstances for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms, provided however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

Amendments submitted

Paragraph 1, introductory part

44. The amendment of Brazil, Colombia and Senegal (A/C.3/L.1217) proposed the insertion after the words "... racial discrimination in all its forms" of the following: "and promoting understanding among all races."

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New sub-paragraph after paragraph 1 (a)

45. The amendment of Brazil (A/C.3/L.1209) proposed the addition of the following as sub-paragraph (b) and the renumbering of sub-paragraphs (b) and (c) accordingly:

"Each State Party undertakes not to encourage, advocate or support racial discrimination by any persons or organizations."

46. The amendment of Brazil was subsequently withdrawn in favour of the amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1) which proposed the following text for the new sub-paragraph: "Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations."

Paragraph 1 (b)

47. The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1) proposed the replacement of the words "and other public" by the words "national and local".

Paragraph 1 (c)

48. Poland proposed (A/C.3/L.1210) the replacement of the words "if necessary" by the words "in the absence thereof". At the 1308th meeting, the representative of Poland agreed that the oral suggestion of the representative of Ghana to replace the words "if necessary" by the words "as required by circumstances" should be voted on first.

49. The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1) proposed the replacement of the words "group or national organization" by the words "groups or organizations of any kind". At the 1308th meeting, an oral suggestion of Italy simply to delete the word "national" was accepted by the sponsors of the amendment.

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New Sub-paragraph after paragraph 1 (c)

50. Brazil, Colombia and Senegal proposed (A/C.3/L.1217) the addition of a new sub-paragraph numbered 1 (d) reading as follows:

"Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division."

Paragraph 2

51. The amendment of Bulgaria (A/C.3/L.1218) called for the insertion between the words "take" and "special" of the words "in the social, economic and other fields". At the 1308th meeting, the representative of Bulgaria accepted an oral suggestion of the Netherlands to insert the word "cultural" in his amendment, which then read: "in the social, economic, cultural and other fields". This amendment was subsequently moved to the amendment proposed by Argentina, Ethiopia, Ghana, Guinea, Kuwait, Lebanon, Mauritania, Nigeria and Uganda (see paragraph 54 below) to insert after the word "take" the words "in the social, economic, cultural and other fields".

52. The amendment of Mauritania, Nigeria and Uganda (A/C.3/L.1225) proposed the replacement of the word "under-developed" by the word "under-privileged". The sponsors of this amendment later joined Argentina, Ethiopia, Ghana, Guinea, Kuwait and Lebanon in proposing a new amendment (see paragraph 54 below).

53. The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1), called for the replacement of the paragraph by the following text:

"States Parties shall, when the circumstances warrant this, take special and concrete measures to ensure the adequate development or protection of persons belonging to certain racial groups for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved."

54. At the 1308th meeting, the representative of Kuwait together with the representatives of Argentina, Ethiopia, Ghana, Guinea, Lebanon, Mauritania, Nigeria and Uganda orally proposed the following text in place of the amendment mentioned in the previous paragraph:

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"States Parties shall, when the circumstances warrant this, take special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved."

Voting

55. At its 1308th meeting, the Committee voted on the text of Article II submitted by the Commission on Human Rights and the amendments thereto as follows:
- (a) The amendment of Brazil, Colombia and Senegal (see para. 44 above) to the introductory part of paragraph 1 was adopted by 85 votes to none, with 7 abstentions.
 - (b) The introductory part of paragraph 1, as amended, was adopted unanimously.
 - (c) Paragraph 1 (a) was adopted unanimously.
 - (d) The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (see para. 46 above) for a new paragraph 1 (b) was adopted by 47 votes to 2, with 39 abstentions.
 - (e) The same seventeen-Power amendment (see para. 47 above) to paragraph 1 (b) (new para. 1 (c)), was adopted by 56 votes to 2, with 34 abstentions.
 - (f) Paragraph 1 (b) (new para. 1 (c)), as amended, was adopted by 93 votes to none, with 2 abstentions.
 - (g) The oral amendment of Ghana accepted by Poland (see para. 48 above) to paragraph 1 (c) (new para. 1 (d)) was adopted by 73 votes to 1, with 15 abstentions.
 - (h) The seventeen-Power amendment, as orally revised by Italy (see para. 49 above), to paragraph 1 (c) (new para. 1 (d)) was adopted by 81 votes to 1, with 11 abstentions.
 - (i) Paragraph 1 (c) (new para. 1 (d)) as amended, was adopted by 95 votes to none, with 1 abstention.
 - (j) A separate vote was taken, at the request of the representative of Venezuela, on the phrase "and to discourage anything which tends to strengthen

racial division" of the new sub-paragraph proposed for insertion after paragraph 1 (c) of the original text by Brazil, Colombia and Senegal (see para. 50 above) and the phrase was retained by 26 votes to 9, with 54 abstentions.

(k) The sub-paragraph (new para. 1 (e)) proposed by Brazil, Colombia and Senegal (see para. 50 above) as a whole was adopted by 97 votes to none, with 4 abstentions in a roll-call vote requested by the representative of Colombia. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: None.

Abstaining: Costa Rica, Haiti, Jamaica, Japan.

(l) The revised amendment of Bulgaria (see para. 51 above) to the amendment to paragraph 2 of Argentina, Ethiopia, Ghana, Guinea, Kuwait, Lebanon, Mauritania, Nigeria and Uganda (see para. 54 above) was adopted by 76 votes to 1, with 15 abstentions.

(m) The amendment of the nine Powers to paragraph 2, as amended, was adopted by 93 votes to none, with 1 abstention.

(n) Article II as a whole, as amended, was adopted unanimously (for text, see paragraph 212, draft resolution A, annex, article 2).

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Article III (Article 3)*

56. The Committee discussed Article III of the draft Convention at its 1308th meeting on 18 October 1965.

57. The text of Article III submitted by the Commission on Human Rights read as follows:

"States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate, in territories subject to their jurisdiction, all practices of this nature."

Amendments submitted

58. An amendment was submitted by Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1), to replace the expression "subject to" by the word "under".

Voting

59. At its 1308th meeting the Committee agreed that the seventeen-Power amendment affected the text of the original article in French and Spanish only and adopted Article III, as thus modified in those languages, unanimously (for text, see para. 212, draft resolution A, annex, article 3).

Article IV (Article 4)*

60. The Committee discussed Article IV of the draft Convention at its 1315th, 1316th and 1318th meetings on 22 and 25 October 1965.

61. The text of Article IV submitted by the Commission on Human Rights read as follows:

"States Parties condemn all propaganda and organizations which are based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin, or which justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination, and to this end, inter alia:

(a) Shall declare an offence punishable by law all incitement to racial discrimination resulting in acts of violence, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin;

(b) Shall declare illegal and prohibit organizations or the activities of organizations, as appropriate, and also organized propaganda activities, which promote and incite racial discrimination;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination."

Amendments submitted

Introductory paragraph

62. Czechoslovakia (A/C.3/L.1220) proposed to add between the words "incitement to" and "such discrimination", the words "or acts of".

63. Denmark, Finland, Iceland, Norway and Sweden proposed (A/C.3/L.1245) to add before the words "or acts of" in the Czechoslovak amendment the words "without limiting or derogating from the civil rights expressly set forth in Article V". At the 1315th meeting the five-Power amendment was orally revised to insert after the words "to this end" in the original text the following words: "with due regard to the rights expressly set forth in Article V".

64. At the 1315th meeting the representative of France orally proposed to replace the revised five-Power amendment by inserting after the words "such discrimination" in the original text the following: "within the framework of the principles set forth in the Universal Declaration of Human Rights."

65. An amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1) proposed the replacement of the words "which justify" by "which attempt to justify".

Paragraph (a)

66. The amendment of the Ukrainian Soviet Socialist Republic (A/C.3/L.1208) proposed the addition at the end of paragraph (a), of the following: ", and also the provision of any assistance to racist activities, including the financing thereof;".

67. The amendments of Czechoslovakia (A/C.3/L.1220), as revised (see paragraph 11 above), proposed (a) the insertion between "all" and "incitement" of the words "dissemination of ideas and doctrines based on racial superiority or hatred," and (b) the deletion of the words "resulting in acts of violence". The latter amendment was also moved by Mauritania, Nigeria and Uganda (A/C.3/L.1225).

68. The United States of America proposed an amendment (A/C.3/L.1243) to add at the end of the first Czechoslovak amendment the following words: "with due regard for the fundamental right of freedom of expression."

Paragraph (b)

69. The amendment of Poland (A/C.3/L.1210) sought to replace paragraph (b) of the original text by the following:

"Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;"

70. The United States of America proposed (A/C.3/L.1242) to amend Poland's amendment (A/C.3/L.1210) by inserting in the first line after the word "shall" the words "with due regard for the right to freedom of expression and of association".

71. At the 1316th meeting India orally proposed to replace "and" by "or" in the phrase "which promote and incite racial discrimination," in the original text of paragraph (b).

Substitute text

72. At the 1316th meeting the representative of Nigeria submitted the following amendment (A/C.3/L.1250) to replace the original text of Article IV and the amendments moved thereto:

"States Parties condemn all propaganda and organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination, and to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article V of this Convention, inter alia:

"(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

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"(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

"(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination."

73. The representative of Argentina (A/C.3/L.1253) sought to replace sub-paragraph (a) and (b) of the text proposed by Nigeria by the following:

"(a) Shall declare an offence punishable by law all incitement to racial discrimination, all promotion of racial discrimination, and all acts of violence or incitement to such acts against any race or group of persons of another colour or national or ethnic origin;

"(b) Shall declare illegal, prohibit and declare an offence punishable by law all propaganda and organizations based on theories of the superiority of one race, or of a group of persons of one colour or national or ethnic origin, and having as their purpose the justification or promotion of racial discrimination in any of its forms."

Voting

74. At its 1318th meeting the Committee voted on the substitute text of Article IV proposed by Nigeria (see para. 72 above) and Argentina's amendment (see para. 73 above) thereto as follows:

(a) A separate vote was taken, at the request of the representative of Ethiopia, on the words "with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article V of this Convention" in the introductory paragraph of the amendment of Nigeria (see para. 72 above), and these words were adopted by 76 votes to 1, with 14 abstentions.

(b) The introductory paragraph of the Nigerian amendment, as a whole, was adopted by 93 votes to none, with 3 abstentions.

(c) The amendment of Argentina (see para. 73 above) to paragraph (a) of the Nigerian amendment was rejected by 47 votes to 20, with 27 abstentions.

(d) A separate vote was taken, at the request of the representative of Colombia, on the words "all dissemination of ideas based on racial superiority or hatred" in paragraph (a) of the Nigerian amendment and these words were adopted by 57 votes to none, with 35 abstentions.

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(e) A separate vote was taken, at the request of the representative of Austria, on the words "and also the provision of any assistance to racist activities, including the financing thereof", in paragraph (a) of the Nigerian amendment and these words were adopted by 57 votes to 1, with 33 abstentions.

(f) Paragraph (a) of the amendment of Nigeria, as a whole, was adopted by 63 votes to 1, with 25 abstentions.

(g) The amendment of Argentina (A/C.3/L.1253) to paragraph (b) of the Nigerian amendment was rejected by 45 votes to 16, with 30 abstentions.

(h) Paragraph (b) of the Nigerian amendment was adopted by 66 votes to 1, with 16 abstentions.

(i) Paragraph (c) of the Nigerian amendment was adopted unanimously.

(j) Article IV, as a whole, as amended, was adopted by 88 votes to none, with 5 abstentions (for text, see para. 212, draft resolution A, annex, article 4).

Article V (Article 5)*

75. The Committee discussed Article V of the draft Convention at its 1305th, 1306th, 1308th and 1309th meetings on 14, 15, 18 and 19 October 1965.

76. The text of Article V submitted by the Commission on Human Rights read as follows:

"In compliance with the fundamental obligations laid down in Article II, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

"(a) The right to equal treatment before the tribunals and all other organs administering justice;

"(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution;

"(c) Political rights, in particular the rights to participate in elections through universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

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"(d) Other civil rights, in particular:

"(i) the right to freedom of movement and residence within the border of the State;

"(ii) the right to leave any country including his own, and to return to his country;

"(iii) the right to nationality;

"(iv) the right to marriage;

"(v) the right to own property alone as well as in association with others;

"(vi) the right to inherit;

"(vii) the right to freedom of thought, conscience and religion;

"(viii) the right to freedom of opinion and expression;

"(ix) the right to freedom of peaceful assembly and association;

"(e) Economic, social and cultural rights, in particular:

"(i) the right to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, just and favourable remuneration;

"(ii) the right to form and join trade unions;

"(iii) housing;

"(iv) public health, medical care and social security and social services;

"(v) education and training;

"(vi) equal participation in cultural activities;

"(f) Access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafés, theatres, parks."

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Amendments submitted

Introductory paragraph

77. The amendment of India (A/C.3/L.1216) proposed the redrafting of the introductory paragraph to read as follows:

"In compliance with the fundamental obligations laid down in Article II, States Parties undertake to prohibit and to eliminate racial discrimination as defined in Article I (1) of the present Convention in the matter of enjoyment of the following rights:".

78. At the 1306th meeting the representative of India accepted an oral amendment of the representative of Ghana to insert the word "notably" between the words "the present Convention" and "in the matter of". The representative of India, however, withdrew his amendment in the light of the text of Article I adopted by the Committee.

79. At the 1309th meeting, the representative of Czechoslovakia orally proposed the insertion of the words "descent, national" before the words "or ethnic origin" in order to bring the text into line with the text of Article I as adopted. At the suggestion of the representative of Austria, the representative of Czechoslovakia agreed to omit the word "descent" from her oral amendment.

Paragraph (c)

80. The amendment of Bulgaria (A/C.3/L.1218) called for the insertion between the words "elections" and "through" of the words "and to be elected". At the 1309th meeting the representative of Bulgaria orally revised his amendment to take account of various suggestions and proposals to insert after the words "election" the words "to vote and to stand for election".

Paragraph (d) opening phrase

81. The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1) called for the deletion of the word "other" before the words "civil rights". This amendment was subsequently withdrawn.

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Paragraph (d) (iv)

82. Mauritania, Nigeria and Uganda (A/C.3/L.1225) proposed to add the words "and choice of spouse" after the word "marriage".

Paragraph (e)

83. The amendment of Mauritania, Nigeria and Uganda (A/C.3/L.1225) to add a new sub-section to read as follows: "(vii) the right to organize and to participate in cultural associations", was orally revised at the 1309th meeting to replace section (vi) of the original text by the following: "The equal right to organize cultural associations and to participate in all kinds of cultural activities".

Voting

84. At its 1309th meeting the Committee voted on the text of Article V submitted by the Commission of Human Rights and the amendments thereto as follows:

- (a) The oral amendment of Czechoslovakia, as revised (see para. 79 above), to the introductory paragraph was adopted by 53 votes to 1, with 39 abstentions;
- (b) Paragraphs (a) and (b) of the original text were adopted unanimously;
- (c) Bulgaria's amendment to paragraph (c) as orally revised (see para. 80 above) was adopted by 86 votes to none, with 10 abstentions;
- (d) The amendment of Mauritania, Nigeria and Uganda (see para. 82 above) to paragraph (d) was adopted by 90 votes to none, with 3 abstentions;
- (e) The amendment of Mauritania, Nigeria and Uganda as orally revised (see para. 83 above), was rejected by 37 votes to 33, with 24 abstentions;
- (f) Sub-paragraph (f) of the original text was adopted unanimously;
- (g) Article V as a whole, as amended, was adopted unanimously (for text, see para. 212, draft resolution A, annex, article 5).

Article VI (Article 6)*

85. The Committee discussed Article VI of the draft Convention at its 1309th meeting on 19 October 1965.

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86. The text of Article VI submitted by the Commission on Human Rights read as follows:

"States Parties shall assure to everyone within their jurisdiction effective protection and remedies through the competent national tribunals against any acts of racial discrimination which violate his human rights and fundamental freedom contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination."

Amendments submitted

87. The amendment of Bulgaria (A/C.3/L.1218) proposed to insert the words "and other State institutions" between the words "tribunals" and "against".

88. The amendment of Mauritania, Nigeria and Uganda (A/C.3/L.1225) which sought to insert the words "where appropriate" after the words "adequate reparation", was subsequently withdrawn.

Voting

89. At its 1309th meeting the Committee voted on the text of Article VI submitted by the Commission on Human Rights and the amendment thereto as follows:

(a) The amendment of Bulgaria (see para. 87 above) was adopted by 88 votes to 1, with 9 abstentions;

(b) Article VI as a whole, as amended, was adopted by 95 votes to none, with 2 abstentions (for text, see paragraph 212, draft resolution A, annex, article 6).

Article VII (Article 7)*

90. The Committee discussed Article VII of the draft Convention at its 1309th meeting on 19 October 1965.

91. The text of Article VII submitted by the Commission on Human Rights read as follows:

"States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education and information, with a view to combating prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination."

Amendments submitted

92. The amendment of Bulgaria (A/C.3/L.1218) called for the insertion of the word "culture" between the words "education" and "and".
93. The amendment of Czechoslovakia (A/C.3/L.1220) sought to add, at the end of the Article, the following words: "and of this Convention".

Voting

94. At its 1309th meeting the Committee voted on the text of Article VII submitted by the Commission on Human Rights and the amendments thereto as follows:
- (a) The amendment of Bulgaria (see para. 92 above) was adopted by 93 votes to none, with 2 abstentions;
 - (b) The amendment of Czechoslovakia (see para. 93 above) was adopted by 94 votes to none, with 1 abstention;
 - (c) Article VII as a whole, as amended, was adopted unanimously (for text, see paragraph 212, draft resolution A, annex, article 7).

Proposal for new Article after Article VII

95. A proposal of Jamaica (A/C.3/L.1223) to add a new article after Article VII was discussed by the Committee at its 1316th and 1318th meetings on 22 and 25 October 1965.
96. The text of the Article proposed by Jamaica read as follows:

"States Parties shall take steps, in conformity with their legal systems, to secure the enactment of the constitutional or legislative provisions which may be necessary to give effect to the right to freedom from racial discrimination and shall establish administrative and judicial responsibility for the violation of these provisions."

97. This proposal was withdrawn by the representative of Jamaica at the 1318th meeting in the light of the discussion in the Committee.

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B. ARTICLES ON MEASURES OF IMPLEMENTATION

98. The Commission on Human Rights did not submit any text of provisions relating to measures of implementation but it forwarded certain documents on the subject which had not been voted upon by the Commission (see paragraph 4). These included article X of the draft Convention prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and transmitted to the Commission by resolution 1 (XVI) of the Sub-Commission, and a preliminary draft of additional measures of implementation submitted to the Sub-Commission, which were transmitted to the Commission by resolution 2 (XVI) of the Sub-Commission.^{1/}

99. The representative of the Philippines submitted nineteen articles relating to measures of implementation (A/C.3/L.1221) to be added to the provisions of the draft Convention submitted by the Commission on Human Rights. The proposed articles were based mainly on the documents transmitted to the Commission on Human Rights by the Sub-Commission and they contained comprehensive provisions relating to implementation of the Convention through a system of reporting and through the establishment of a permanent fact-finding and conciliation organ to consider disputes concerning the violation of a provision of the Convention. Amendments to the articles proposed by the Philippines were submitted by the United Kingdom (A/C.3/L.1266), Argentina, Bolivia, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Peru and Venezuela (A/C.3/L.1268), Netherlands (A/C.3/L.1270), the United States of America (A/C.3/L.1271), Tunisia (A/C.3/L.1273) and Ghana (A/C.3/L.1274 and 1274/Rev.1). Amendments to the amendments of Ghana were proposed by Mauritania (A/C.3/L.1289) and by Saudi Arabia (A/C.3/L.1290).^{2/} The articles proposed by the representative of Ghana also contained a comprehensive set of provisions for the implementation of the Convention by a system of reporting and by the establishment of ad hoc conciliation bodies and by other procedures.

^{1/} Official Records of the Economic and Social Council, Thirty-Seventh Session, Supplement No. 8 (E/3873) paragraph 281 and annex I.

^{2/} For the text of the proposal of the Philippines and the amendments thereto see Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 58.

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100. After an exchange of views during the 1344th to the 1349th meetings of the Committee, held from 16 to 19 November 1965, it was suggested that members of the Committee who had presented texts should meet together and submit draft articles on implementation which would form a basis for discussion in the Committee. At the 1349th meeting, the representatives of Ghana, Mauritania and the Philippines submitted a text (A/C.3/L.1291) which was considered article by article.

Article VIII (Article 8)*

101. The text of Article VIII proposed by Ghana, Mauritania and the Philippines (A/C.3/L.1291) read as follows:

1. There shall be established a Committee consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties to this Convention from amongst their nationals who shall serve in their personal capacity, consideration being given to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.
2. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years: immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
3. A State Party, a national of which is elected to membership of the Committee in accordance with paragraph 1 of the present article, shall be responsible for the expenses of its expert on the Committee while he is in performance of Committee duties.
4. The States Parties to this Convention undertake to submit a report on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of this Convention:
(a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee constituted in accordance with paragraph 1 of the present article so requests.

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5. All reports shall be submitted to the Secretary-General of the United Nations for consideration by the Committee constituted in accordance with paragraph 1 of the present article.

6. The Committee may request further information from the States Parties if necessary.

7. The Committee shall report annually through the Secretary-General to the General Assembly on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States. However, such suggestions and general recommendations shall only be reported to the General Assembly after prior consultation with the States Parties concerned.

8. The States Parties concerned may, in addition, submit to the General Assembly observations on suggestions or general recommendations made in accordance with paragraph 7 of the present article.

102. In the light of the views expressed at the 1349th and 1350th meetings, the co-sponsors of the proposed article submitted a revised text (A/C.3/L.1293) which was divided into article VIII and article VIII (bis). The revised text of article VIII read as follows:

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as "the Committee") consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties to this Convention from amongst their nationals who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilizations as well as of the principal legal systems.

2. The members of the Committee shall be elected from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their

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nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated including the States Parties which have nominated them and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties at the Headquarters of the United Nations convened by the Secretary-General. At that meeting, for which two-thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years: immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals subject to the approval of the Committee.

6. A State Party, a national of which is elected to membership of the Committee in accordance with paragraph 1 of the present article, shall be responsible for the expenses of its expert on the Committee while he is in performance of Committee duties.

Amendments submitted

Paragraph 1

103. The amendment of Iraq (A/C.3/L.1294) proposed the replacement of the words "experts of" by "members who possess the qualifications required in their respective countries for appointment to high judicial or social offices and".

104. The United Republic of Tanzania submitted three amendments (A/C.3/L.1295) as follows:

(a) to replace the name "Committee on Elimination of Racial Discrimination" by "the United Nations Committee on Racial Discrimination";

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- (b) to replace the word "experts" by the word "members";
- (c) to put a full stop after the word "impartiality" and to replace the text following that word by "The Committee shall be elected by secret ballot by the General Assembly of the United Nations."

105. Uruguay submitted an amendment (A/C.3/L.1296) to add after the words "and acknowledged impartiality" the words "and of acknowledged competence with regard to the problem of the elimination of racial discrimination and of the observance of human rights".

106. At the 1251st meeting, the representative of Venezuela orally proposed that the name of the Committee should be included within quotation marks, and that the words "from amongst their nationals" should be deleted.

Paragraph 2

107. The United Republic of Tanzania proposed two amendments (A/C.3/L.1295), the first to insert "by secret ballot" after the word "elected", the second to replace the last sentence by the following: "Each State Party may nominate one person only to serve on the Committee".

Paragraph 6

108. Iraq proposed (A/C.3/L.1294) to replace this paragraph by the following: "The States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties".

109. The United Republic of Tanzania proposed (A/C.3/L.1295) to replace this paragraph by the following: "The expenses of the Committee shall be borne by the regular budget of the United Nations".

Voting

110. At its 1352nd meeting, the Committee voted on the text of article VIII submitted by Ghana, Mauritania and the Philippines and the amendments thereto as follows:

(a) Paragraph 1

- (i) The first amendment of the United Republic of Tanzania (see paragraph 104 above) was rejected by 55 votes to 22, with 17 abstentions;

- (ii) The amendment of Venezuela (see paragraph 106 above) was rejected by 19 votes to 10, with 62 abstentions;
 - (iii) The amendment of Iraq (see paragraph 103 above) was rejected by 31 votes to 17, with 43 abstentions;
 - (iv) The second amendment of the United Republic of Tanzania (see paragraph 104 above) was rejected by 35 votes to 32, with 23 abstentions;
 - (v) The amendment of Uruguay (see paragraph 105 above) was rejected by 16 votes to 13, with 62 abstentions;
 - (vi) The third amendment of the United Republic of Tanzania (see paragraph 104 above) was rejected by 60 votes to 7, with 23 abstentions;
 - (vii) The amendment of Venezuela (see paragraph 106 above) was rejected by 69 votes to 11, with 9 abstentions;
 - (viii) Paragraph 1 as a whole was adopted by 83 votes to 1, with 8 abstentions.
- (b) Paragraph 2
- (i) The first amendment of the United Republic of Tanzania (see paragraph 107 above) was adopted by 55 votes to 2, with 33 abstentions;
 - (ii) The second amendment of the United Republic of Tanzania (see paragraph 107 above) was rejected by 33 votes to 9, with 46 abstentions;
 - (iii) Paragraph 2, as amended, was adopted by 87 votes to none, with 3 abstentions.
- (c) Paragraph 3 of the proposed text was adopted by 90 votes to none, with 3 abstentions.
- (d) Paragraph 4 of the proposed text was adopted by 90 votes to none, with 4 abstentions.

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(e) Paragraph 5

- (i) Paragraph 5 (a) of the proposed text was adopted by 90 votes to none, with 2 abstentions;
- (ii) Paragraph 5 (b) of the proposed text was adopted by 83 votes to 1, with 11 abstentions.

(f) Paragraph 6

- (i) At the request of the representative of the United Republic of Tanzania, a vote was taken by roll-call on his amendment (see paragraph 109 above) which was rejected by 39 votes to 32, with 22 abstentions. The voting was as follows:

In favour: Mali, New Zealand, Niger, Norway, Pakistan, Panama, Rwanda, Saudi Arabia, Sudan, Sweden, Togo, Trinidad and Tobago, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yemen, Yugoslavia, Zambia, Austria, Burma, Burundi, Canada, Colombia, Denmark, Ecuador, Finland, Guinea, Haiti, Iceland, Madagascar, Malawi.

Against: Mauritania, Mexico, Mongolia, Morocco, Netherlands, Philippines, Poland, Portugal, Romania, Senegal, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Argentina, Australia, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, France, Ghana, Greece, Honduras, Hungary, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Lebanon, Malaysia.

Abstaining: Nigeria, Peru, Sierra Leone, United Arab Republic, Uruguay, Venezuela, Afghanistan, Algeria, Bolivia, Ceylon, Chad, Chile, Congo (Democratic Republic of), Ethiopia, Gabon, Guatemala, India, Israel, Ivory Coast, Kenya, Liberia, Libya.

- (ii) The amendment of Iraq was adopted by 26 votes to 22, with 44 abstentions.

(g) Article VIII as a whole, as amended, was adopted by 85 votes to none, with 6 abstentions (for text, see paragraph 212, draft resolution A, annex, article 8).

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Article VIII (bis) (Article 9)*

111. The text of article VIII (bis) proposed by Ghana, Mauritania and the Philippines (A/C.3/L.1293), which was discussed at the 1351st and 1352nd meetings on 23 November, read as follows:

1. The States Parties to this Convention undertake to submit to the Secretary-General for consideration by the Committee a report on the legislative, judicial, administrative, or other measures that they have adopted and that give effect to the provisions of this Convention:
(a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually through the Secretary-General to the General Assembly on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from the States Parties concerned.

Amendments submitted

112. At the 1351st meeting the representative of the United Kingdom orally proposed to delete the words "the" and "concerned" from the second sentence of paragraph 2.

113. At the 1352nd meeting the representative of the Sudan orally proposed the deletion of the words "suggestions and" in the first and second sentences of paragraph 2. At the same meeting the representative of the United Republic of Tanzania orally proposed the deletion of the word "general" before the word "recommendations" in both sentences of paragraph 2.

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Voting

114. At its 1352nd meeting the Committee voted on the text of article VIII(bis) submitted by Ghana, Mauritania and the Philippines and the amendments thereto as follows:

(a) Paragraph 1

- (i) At the request of the representative of the United Arab Republic a separate vote was taken by roll call on the words "the States Parties ... every two years" in the first sentence. These words were adopted by 89 votes to none, with 2 abstentions. The voting was as follows:

In favour: Mali, Mauritania, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Cuba, Czechoslovakia, Denmark, Ecuador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia.

Against: None.

Abstaining: Saudi Arabia, Gabon.

- (ii) The remaining words of the first sentence were adopted by 79 votes to 1, with 9 abstentions.
- (iii) At the request of the representative of the Sudan the second sentence was voted on separately and adopted by 85 votes to none, with 7 abstentions.

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(b) Paragraph 2

- (i) The amendment of the Sudan (see paragraph 113 above) was rejected by 68 votes to 2, with 19 abstentions.
 - (ii) The amendment of the United Republic of Tanzania (see paragraph 113 above) was rejected by 58 votes to 4, with 27 abstentions.
 - (iii) The amendments of the United Kingdom (see paragraph 112) were adopted by 25 votes to 18, with 44 abstentions.
- (c) Article VIII bis as a whole, as amended, was adopted by 87 votes to none with 2 abstentions (for text see paragraph 212, draft resolution A, annex, article 9).

Article IX (Article 10)*

115. The text of article IX proposed by Ghana, Mauritania and the Philippines (A/C.3/L.1291) which was discussed at the 1353rd meeting on 24 November 1965, read as follows:

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.
3. The Secretariat of the Committee shall be provided by the Secretary-General of the United Nations.
4. The meetings of the Committee shall be held at the Headquarters of the United Nations.

Amendments submitted

116. At the 1353rd meeting the representative of the United Republic of Tanzania orally proposed to add the word "normally" before the words "beheld at the Headquarters of the United Nations" in paragraph 4.

Voting

117. At the 1353rd meeting the Committee voted on the text of article IX and the amendments thereto, as follows:

- (a) The amendment of the United Republic of Tanzania to paragraph 4 was adopted by 38 votes to 10, with 33 abstentions.

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(b) Paragraph 4 as amended was adopted by 83 votes to none, with 2 abstentions.

(c) Article IX as a whole, as amended, was adopted unanimously (for text see paragraph 212, draft resolution A, annex, article 10).

Article X (Article 11)*

118. The text of article X proposed by Ghana, Mauritania and the Philippines (A/C.3/L.1291) which was discussed at the 1353rd meeting on 24 November 1965, read as follows:

Article X

1. If a State Party to this Convention considers that another State Party is not giving effect to the provisions of the Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the complaint to the States Parties concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and any remedy that may have been taken by that State.
2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee constituted in accordance with paragraph 1 of article VIII by notice given to the Committee and also to the other State.
3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of the present article only after it has ascertained that all available remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law.
4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.
5. When any matter arising out of the present article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without

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voting rights, while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the States Parties concerned.

119. At the 1353rd meeting the proposed article was revised by the sponsors by replacing the words "States Parties" in the second sentence of paragraph 1 by the words "State Party" and by deleting the words "constituted in accordance with paragraph 1 of Article VIII" in paragraph 2. The sponsors also revised paragraph 3 by adding the following sentence to it: "This shall not be the rule where the application of the remedies is unreasonably prolonged".

Amendments submitted

Paragraph 1

120. The representative of Mexico orally proposed to replace the word "complaint" in the second sentence by the word "communication" and to replace the word "shall" by the word "may" in the third sentence. The first of these amendments was accepted by the sponsors.

121. The representative of the United Republic of Tanzania orally proposed to replace the words "explanations or statements clarifying the matter and any remedy" by the words "statements with reference to the matter and any action".

122. The representative of India orally proposed to replace the words "and any remedy" by "and the remedy, if any". This amendment was accepted by the sponsors.

Paragraph 3

123. The representative of Colombia orally proposed to insert the words "on the basis of the reply" after the word "ascertained".

124. The representatives of Canada and Italy orally proposed to add the word "domestic" before the word "remedies". This amendment was accepted by the sponsors.

125. The representative of the United Republic of Tanzania orally proposed a deletion of the paragraph.

Paragraph 5

126. The representative of Austria orally proposed a deletion of the second sentence. This amendment was accepted by the sponsors.

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Voting

127. At its 1353rd meeting, the Committee voted on the text of article X submitted by Ghana, Mauritania and the Philippines and the oral amendments thereto, as follows:

(a) The amendment of the United Republic of Tanzania to paragraph 1 (see paragraph 121) was rejected by 34 votes to 7, with 43 abstentions.

(b) Paragraph 3

(i) The amendment of the United Republic of Tanzania (see paragraph 122 above) to delete the paragraph was rejected by 70 votes to 2, with 12 abstentions.

(ii) The amendment of Colombia (see paragraph 123 above) was rejected by 24 votes to 13, with 45 abstentions.

(iii) A separate vote was taken at the request of the representative of the United Republic of Tanzania on the word "domestic" (see paragraph 124 above) and the word was retained by 61 votes to 2, with 16 abstentions.

(iv) Paragraph 3 as a whole, as revised by the sponsors, was adopted by 72 votes to none, with 13 abstentions.

(c) Article X as a whole, as revised by the sponsors, was adopted by 83 votes to none, with 2 abstentions (for text see paragraph 212, draft resolution A, annex, article 11).

Article XI (Article 12)*

128. The text of article XI proposed by Ghana, Mauritania and the Philippines (A/C.3/L.1291), which was discussed at the 1354th and 1355th meetings on 25 and 26 November 1965, read as follows:

1. (a) Subject to the provisions of paragraph 3 of article X, the Chairman of the Committee, after the Committee has obtained and collated all the information it thinks necessary, shall appoint a Conciliation Commission hereinafter referred to as the Commission, of an ad hoc nature composed of five members with the full and unanimous consent of the parties to the dispute, whose good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for the Convention.

(b) If the States Parties to the dispute fail to reach agreement on all or part of the composition of the Commission within three months, those members of the Commission not agreed upon by the States Parties to the dispute shall be elected by two-thirds majority vote of the Committee from amongst its own members.

2. The members of the Commission who shall serve in their personal capacity should be persons of such high moral standing and acknowledged impartiality as to deserve the confidence of the States Parties to the dispute, but shall neither be nationals of these States to the dispute nor of a State not party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations, or at any convenient place as determined by the Commission.

5. The Secretariat provided in accordance with article IX, paragraph 3, shall also service the Commission whenever a dispute among States Parties brings it into being.

6. The States Parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties to the dispute in accordance with paragraph 6 of the present article.

8. The information obtained and collated by the Committee shall be made available to the Commission and the Commission may call upon the States concerned to supply any other relevant information.

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Amendments submitted

Paragraph 1

129. Canada proposed (A/C.3/L.1298) to replace the text of paragraph 1 (a) by the following text:

"After the Committee has obtained and collated all the information it thinks necessary, the Chairman shall appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the full and unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for the Convention."

At the 1354th meeting, the sponsors accepted the amendment of Canada.

130. The representative of the United Republic of Tanzania submitted two amendments (A/C.3/L.1299); the first was to insert "from time to time" after the words "shall appoint" in paragraph 1 (a), the second to insert "by secret ballot" after "two-thirds majority vote" in paragraph 1 (b).

131. At the 1354th meeting, the representative of Mexico orally proposed the deletion of paragraph 1 (b).

Paragraph 2

132. The United Republic of Tanzania proposed (A/C.3/L.1299) to replace the text of paragraph 2 by the following text: "The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties to the dispute or of a State not party to this Convention." The amendment was accepted by the sponsors.

Paragraph 4

133. At the 1354th meeting, the representative of Pakistan orally proposed to insert "other" before the words "convenient place". This amendment was accepted by the sponsors.

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Paragraph 6

134. The United Republic of Tanzania proposed (A/C.3/L.1299) to replace the text of the paragraph by the following text: "The expenses of the Commission shall be borne by the regular budget of the United Nations". At the 1355th meeting, the representative of the United Republic of Tanzania orally revised his amendment to read: "States Parties shall be responsible for the expenses of the members of the Commission while they are in performance of Commission duties".

Paragraph 7

135. The United Republic of Tanzania proposed (A/C.3/L.1299) to delete paragraph 7. A similar proposal was made orally by the representative of Mexico.

Additional paragraph 9

136. The United Republic of Tanzania proposed (A/C.3/L.1299) the addition of the following paragraph 9: "The recommendations of the Commission shall be made public, but not necessarily the evidence received in camera by the Commission".

Voting

137. At its 1355th meeting, the Committee voted on the text of article XI submitted by Ghana, Mauritania and the Philippines and the amendments thereto as follows:

(a) Paragraph 1

- (i) The amendment of the United Republic of Tanzania (see paragraph 130 above) to the revised text of paragraph 1 (a) (see paragraph 129 above) was rejected by 67 votes to 2, with 13 abstentions;
- (ii) The amendment of Mexico (see paragraph 131 above) to delete paragraph 1 (b) was rejected by 54 votes to 10, with 16 abstentions;
- (iii) The amendment of the United Republic of Tanzania (see paragraph 130 above) to paragraph 1 (b) was adopted by 45 votes to 6, with 33 abstentions;

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- (iv) Paragraph 1 as a whole, as amended, was adopted by 84 votes to none, with 4 abstentions.
- (b) The amendment of the United Republic of Tanzania (A/C.3/L.1299) (see paragraph 132 above) to paragraph 2 was accepted by the sponsors and adopted by 86 votes to none, with 2 abstentions.
- (c) Paragraph 6
- (i) The revised amendment of the United Republic of Tanzania (see paragraph 134 above) to paragraph 6 was rejected by 54 votes to 7, with 34 abstentions;
- (ii) The original text of paragraph 6 was adopted by 67 votes to none, with 17 abstentions.
- (d) The proposal of Mexico and the United Republic of Tanzania (see paragraph 135 above) to delete paragraph 7 was rejected by 46 votes to 2, with 37 abstentions.
- (e) The additional paragraph 9 proposed by the United Republic of Tanzania (see paragraph 136 above) was rejected by 26 votes to 6, with 54 abstentions.
- (f) Article XI as a whole, as amended, was adopted by 81 votes to none, with 6 abstentions in a roll-call vote requested by the representative of Mexico (for text, see paragraph 212, draft resolution A, annex, article 12).

The voting was as follows:

In favour: Burma, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Ceylon, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Spain, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria.

Abstaining: Japan, Mexico, Sudan, United Arab Republic, United Republic of Tanzania, Venezuela.

Article XII (Article 13)*

138. The text of article XII proposed by Ghana, Mauritania and the Philippines (A/C.3/L.1291), which was discussed at the 1355th meeting on 26 November 1965, read as follows:

1. When the Commission has fully considered the complaint, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States Parties to the dispute, and to the Secretary-General of the United Nations for publication.

3. Each of the States Parties to the dispute shall within three months inform the Chairman of the Committee whether or not it accepts the recommendations contained in the report of the Commission.

139. At the 1356th meeting, Ghana, Mauritania and the Philippines presented a revised text of article XII taking into consideration the various views that had been expressed on the original text of the article. The revised text (A/C.3/L.1301) read as follows:

1. When the Commission has fully considered the complaint, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall within three months inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided in paragraph 2 of the present article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of States parties concerned related to this report to the Secretary-General of the United Nations for publication.

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Amendments submitted

140. The United Republic of Tanzania proposed (A/C.3/L.1302) to insert the words "and received all the evidence" after the word "complaint" in paragraph 1.
141. El Salvador proposed (A/C.3/L.1306) to add the following sentence at the end of paragraph 2: "If they do not accept the recommendations, the Committee shall reconsider the problem until a satisfactory solution is reached."
142. The United Republic of Tanzania proposed (A/C.3/L.1302) two amendments to paragraph 3. The first was to insert the words "but not necessarily the evidence received in camera" after the words "related to this report". The second amendment was to replace at the end of the paragraph the words "for publication" by "for transmission to the General Assembly". At the 1356th meeting the representative of the United Republic of Tanzania withdrew these amendments.

Voting

143. At the 1356th meeting, the Committee voted on the revised text of article XII submitted by Ghana, Mauritania and the Philippines and the amendments thereto as follows:

- (a) The amendment of the United Republic of Tanzania (see paragraph 140 above) to paragraph 1 was rejected by 26 votes to 4, with 51 abstentions;
- (b) The amendment of El Salvador (see paragraph 141 above) to paragraph 2 was rejected by 11 votes to 10, with 62 abstentions;
- (c) Article XII as a whole, as revised, was adopted by 81 votes to none, with 2 abstentions (for text, see paragraph 212, draft resolution A, annex, article 13).

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Article XIII (Article 14)*

144. Article XIII was discussed at the 1355th to 1358th and 1361st to 1363rd meetings on 26 and 29 November and 1 and 2 December 1965.

Initial text

145. The first text of Article XIII proposed by Ghana, Mauritania and the Philippines (A/C.3/L.1291/Add.1) read as follows:

1. A State Party to this Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in this Convention by that State Party. No communication shall be received by the Committee if it concerns a State Party not having made such a declaration.
2. Any State Party which makes a declaration provided for in paragraph 1 of the present article may appoint, elect or indicate a National Committee composed of individuals independent of the Government of the State or other national body which shall be competent in the first instance to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.
3. A declaration made in accordance with paragraph 1, and the names of the members of any National Committee or other national body established or indicated in accordance with paragraph 2, of the present article, shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the States Parties to the Convention. A declaration may be withdrawn at any time by notification to the Secretary-General, and a change in the composition of the membership of the National Committee or other national body appointed, elected or indicated in accordance with paragraph 2 of the present article shall be communicated to the Secretary-General in the same manner by the State Party concerned.

4. A National Committee or other national body appointed, elected or indicated in accordance with paragraph 2 of the present article shall in appropriate cases seek redress from the State Party concerned. In the event of failure to obtain satisfactory redress within six months either the National Committee or other national body appointed, elected or indicated in accordance with paragraph 2 of the present article, or the petitioner, shall have the right to communicate the matter to the Committee.

5. A register to enter complaints or alleged violations shall be kept by a National Committee or other national body appointed, elected or indicated in accordance with paragraph 2 of the present article, and certified copies of the register shall be filed with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

6. The Committee shall not receive anonymous communications. It shall confidentially bring communications to the attention of the State Party alleged to be violating the Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent.

7. The Committee shall include in its annual report a summary of such communications and, where appropriate, the observations and replies of the States Parties concerned.

146. On the submission of the above-mentioned text the representative of Saudi Arabia withdrew his proposed article (A/C.3/L.1297) which read as follows:

1. Each State Party to this Convention shall constitute a National Committee consisting of nine members chosen from independent and objective persons not having any official connexion with the Government of the State.

2. Any person within the jurisdiction of the State claiming that any of his rights enumerated in the Covenant has been violated, may submit his case before this Committee.

3. The National Committee shall ascertain the facts and if it deems that the case is well founded, shall endeavour to obtain satisfaction for the petitioner from the Government.

4. In the event the said Committee does not succeed in obtaining satisfaction for the petitioner or should the Committee dismiss the case, either the Committee or the petitioner, as the case may be, shall have the right to

appeal to a national tribunal specially constituted for examining any violations to the rights set forth in this Convention.

5. The names of the members constituting the National Committee shall be registered with the United Nations.

6. The National Committee shall have an appropriate register to enter any complaint or alleged violation submitted to it, regardless of whether such complaint or violation is entertained by it or not.

7. Certified copies of the register mentioned in the previous paragraph shall be submitted by the National Committee to the Secretary-General on the understanding that the contents of such certified copies shall not be disclosed and will be kept confidential by the Secretary-General.

Amendments submitted

147. Argentina, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Panama and Peru proposed (A/C.3/L.1303) the following amendments to paragraphs 2 to 5 of the text submitted by Ghana, Mauritania and the Philippines:

(a) Replacement of paragraph 2 by:

"Any State Party which makes a declaration provided for in paragraph 1 of the present article may appoint, elect or indicate an organ or organs competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies, and to determine the nature and extent of appropriate compensation. A declaration may be withdrawn at any time by means of a notification to the Secretary-General, who shall also be informed of any change in the name of the aforesaid organ or organs."

(b) Replacement of paragraph 3 by:

"A declaration made in accordance with paragraph 1, and the name of the organ or organs appointed, elected or indicated shall be communicated through the intermediary of the Secretary-General to the other States Parties."

(c) Deletion of paragraph 4

(d) Replacement of paragraph 5 by:

"A register to enter complaints or alleged violations shall be kept by the organ or organs appointed, elected or indicated. The States Parties shall undertake to communicate to the Secretary-General certified copies of such complaints and alleged violations, on the understanding that the contents shall not be publicly disclosed."

First revised text

148. At the 1362nd meeting Argentina, Chile, Colombia, Costa Rica, Ecuador, Ghana, Guatemala, Mauritania, Panama, Peru and the Philippines proposed (A/C.3/L.1308) a revised text of Article XIII, which read as follows:

"1. A State Party to this Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in this Convention by that State Party. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

"2. Any State Party which makes a declaration provided for in paragraph 1 of the present article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

"3. A declaration made in accordance with paragraph 1 of the present article and the name of any body established or indicated in accordance with paragraph 2 of the present article, shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the States Parties to the Convention. A declaration may be withdrawn at any time by notification to the Secretary-General but such a withdrawal shall not affect communications pending before the Committee.

"4. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of the present article, the petitioner within six months shall have the right to communicate the matter to the Committee. The Committee shall deal with the communication after having ascertained that the provisions of paragraph 2 of the present article have been fulfilled.

"5. A register of complaints or alleged violations shall be kept by the body established or indicated in accordance with paragraph 2 of the present article, and certified copies of the register shall be filed through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

"6. The Committee shall not receive anonymous communications. It shall confidentially bring other communications to the attention of the State Party alleged to be violating the Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent.

"7. The Committee shall include in its annual report a summary of such communications and, where appropriate, the observations and replies of the States Parties concerned."

Amendments submitted

149. Lebanon proposed (A/C.3/L.1315) the following amendments: (a) to the words "within its jurisdiction" after the words "groups of individuals" in paragraph 1; (b) to renumber paragraph 4 as paragraph 5 and to delete the last sentence of the new paragraph 5; (c) to renumber paragraph 5 as paragraph 4, to replace the words "complaints or alleged violations" by the word "petitions", and to add the word "annually" after the word "filed"; (d) to replace paragraphs 6 and 7 by the following paragraphs:

"6. (a) The Committee shall confidentially bring any communication referred to it, if it considers it to be receivable, to the attention of the State Party alleged to be violating any provision of the Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

"(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

"7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned, and by the petitioner. However, it shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies.

"(b) The Committee shall communicate its suggestions and recommendations in each matter considered by it to the State Party concerned and to the petitioner.

"8. The Committee shall include in its annual report referred to in article VIII (bis), paragraph 2, a summary of such communications which it has considered and of the explanations and statements of the States Parties concerned as well as of suggestions and recommendations of the Committee."

Second revised text

150. With a view to taking into account the amendments proposed by Lebanon and the opinions expressed in the course of the discussion, Argentina, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Ghana, Guatemala, Mauritania, Panama, Peru and the Philippines presented the following revised text of the article (A/C.3/L.1308/Rev.1) at the 1363rd meeting of the Committee:

"1. A State Party to this Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation of any of the rights set forth in this Convention by that State Party. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

"2. Any State Party which makes a declaration provided for in paragraph 1 of the present article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

"3. A declaration made in accordance with paragraph 1 of the present article and the name of any body established or indicated in accordance with paragraph 2 of the present article, shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the States Parties to the Convention. A declaration may be withdrawn at any time by notification to the Secretary-General but such a withdrawal shall not affect communications pending before the Committee.

"4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of the present article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

"5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of the present article, the petitioner within six months shall have the right to communicate the matter to the Committee.

"6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of the Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

"(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

"7. The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

"8. The Committee shall include in its annual report a summary of such communications and, where appropriate, the observations and replies of the States Parties concerned."

Amendments submitted

151. Lebanon proposed (A/C.3/L.1315/Rev.1) renumbering the text of paragraph 7 as paragraph 7 (a) and the insertion of the following as paragraph 7 (b):

"The Committee shall communicate its suggestions and recommendations, if any, to the State Party concerned and to the petitioner."

Lebanon also proposed replacing the phrase following the words "where appropriate" by "a summary of the explanations and statements of the States Parties concerned and of suggestions and recommendations of the Committee" in paragraph 8.

152. Sweden proposed (A/C.3/L.1316) to add the following paragraph as paragraph 9:

"The Committee shall only exercise the competence provided for in this Article when at least ten States Parties to the Convention are bound by declarations in accordance with paragraph 1 of the present Article."

Voting

153. At its 1363rd meeting the Committee voted on the fourteen-Power revised text of Article XIII (see paragraph 150 above) and the amendments thereto as follows:

(a) Paragraph 2

- (i) A separate vote was taken, at the request of the representative of Jamaica, on the words "within its national legal order" in paragraph 2, and those words were adopted by 61 votes to none, with 23 abstentions.
- (ii) Paragraph 2, as a whole, was adopted by 67 votes to none, with 17 abstentions.

(b) Paragraph 7

- (i) The amendment of Lebanon (see paragraph 151) to paragraph 7 was adopted in a roll-call vote, requested by the representative of Nigeria, by 43 votes to 12, with 34 abstentions. The voting was as follows:

/...

In favour: Argentina, Austria, Bolivia, Brazil, Burma, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, Congo (Brazzaville), Congo (Democratic Republic of), Denmark, Finland, Greece, Guatemala, Iceland, Iran, Ireland, Jamaica, Jordan, Kenya, Lebanon, Liberia, Libya, Luxembourg, Mexico, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Rwanda, Saudi Arabia, Senegal, Sudan, Sweden, Tunisia, Turkey, Uganda, United Republic of Tanzania.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Colombia, Czechoslovakia, Guinea, Hungary, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Abstaining: Afghanistan, Algeria, Australia, Belgium, China, Costa Rica, El Salvador, Ethiopia, France, Ghana, Haiti, India, Iraq, Israel, Italy, Japan, Madagascar, Malawi, Mali, Mauritania, Morocco, Peru, Philippines, Portugal, Spain, Thailand, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Venezuela, Yemen, Yugoslavia.

(ii) Paragraph 7, as amended, was adopted by 67 votes to none, with 20 abstentions.

(c) Paragraph 8

(i) The amendment of Lebanon (see paragraph 151 above) was adopted by 48 votes to 9, with 31 abstentions.

(ii) Paragraph 8 as amended was adopted by 66 votes to none, with 23 abstentions.

(d) The amendment of Sweden (see paragraph 152 above) to add a new paragraph 9 was adopted by 52 votes to 1, with 31 abstentions.

(e) Article XIII as a whole, as amended, was adopted by 66 votes to none, with 19 abstentions (for text, see paragraph 212, draft resolution A, annex, article 14).

Article XIII (bis) (Article 15)*

154. The Committee discussed Article XIII (bis) at its 1363rd to 1366th and 1368th meetings on 2, 3, 6 and 8 December 1965.

Initial text

155. At the 1363rd meeting Sudan, the United Arab Republic and the United Republic of Tanzania proposed (A/C.3/L.1307) the following text for Article XIII bis after Article XIII proposed by Ghana, Mauritania and the Philippines (A/C.3/L.1291/Add.1):

"1. No provisions in this Convention shall prevent the Committee established under Article VIII, paragraph 1, from accepting petitions from the inhabitants of non-independent Territories, regarding the legislative, judicial, administrative or other measures that the Administering Authority has adopted presumably to give effect to the provisions of this Convention.

"2. The Committee shall examine these petitions in consultation with the Administering Authority concerned.

"3. The Committee shall co-operate with bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention."

Amendments submitted

156. The Netherlands proposed (A/C.3/L.1317) the replacement of the text by the following:

"The provisions of this Convention shall in no way affect or prejudice the right of individuals or groups of individuals to send petitions to international bodies, as set forth by other international instruments; or as practices within the framework of the United Nations and its specialized agencies."

157. At the 1368th meeting, the representative of the Netherlands withdrew his amendment.

First revised text

158. At the 1364th meeting Mauritania, Sudan, the United Arab Republic and the United Republic of Tanzania submitted the following revised text (A/C.3/L.1307/Rev.1):

1. No provisions in this Convention shall prevent the Committee established under article VIII, paragraph 1, from accepting petitions concerning the violation of human rights stemming from racial discrimination, from the inhabitants of Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly resolution 1514 (XV) of 14 December 1960, applies, or petitions regarding

the legislative, judicial, administrative or other measures that the Administering Authority has put into force in these Territories to give effect to the provisions of this Convention.

2. The Committee shall examine these petitions in consultation with the Administering Authority concerned, and make appropriate recommendations.

3. The Committee shall co-operate with bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention.

Second revised text

159. At the 1366th meeting a second revised text of Article XIII (bis) was submitted by Algeria, Congo (Brazzaville), Congo (Democratic Republic of), Ethiopia, Ghana, Jamaica, Kenya, Liberia, Libya, Madagascar, Malawi, Mauritania, Morocco, Nigeria, Rwanda, Senegal, Sudan, Togo, Tunisia, Uganda, United Arab Republic and United Republic of Tanzania (A/C.3/L.1307/Rev.2) reading as follows:

1. Pending the achievement of the objectives of General Assembly resolution 1514 (XV) of 14 December 1960, concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of this Convention shall be applied in full to the inhabitants of those Territories, and shall in no way limit the right of petition granted to these inhabitants by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established in accordance with article VIII, paragraph 1, shall receive petitions from, and tender expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention with respect to petitions from the inhabitants of Trust and Non-Self-Governing Territories, or all other Territories to which General Assembly resolution 1514 (XV) applies, and relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall express itself and make recommendations on the legislative, judicial, administrative or other measures applied by the administering Powers within the Territories mentioned in paragraph 1 of the present article, to give effect to the provisions of this Convention.

3. The Committee shall include in its reports to the General Assembly a summary of the petitions it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee, related to the said petitions, and the legislative, judicial, administrative and other measures applied by the administering Powers for the purpose of giving effect to the provisions of this Convention.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention, and available to him regarding the Territories mentioned in paragraph 1 of the present article.

Third revised text

160. At the 1368th meeting the twenty-two Powers submitted a third revised text (A/C.3/L.1307/Rev.3) reading as follows:

"1. Pending the achievement of the objectives of General Assembly resolution 1514 (XV) of 14 December 1960, concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

"2. (a) The Committee established in accordance with article VIII, paragraph 1, shall receive copies of the petitions from, and tender expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention with respect to petitions from the inhabitants of Trust and Non-Self-Governing Territories, or all other Territories to which General Assembly resolution 1514 (XV) applies, and relating to matters covered by this Convention which are before these bodies.

"(b) The Committee shall express itself and make recommendations on the legislative, judicial, administrative or other measures applied by the administering Powers within the Territories mentioned in paragraph 1 of the present article, to give effect to the provisions of this Convention.

"3. The Committee shall include in its report to the General Assembly a summary of the petitions it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee, related to the said petitions, and the legislative, judicial, administrative and other measures applied by the administering Powers for the purpose of giving effect to the provisions of this Convention.

"4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 1 of the present article."

Amendments submitted

Paragraph 2

161. Lebanon and Saudi Arabia proposed (A/C.3/L.1319) to replace paragraph 2 (b) by the following:

"2. (b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislature, judicial, administrative or other measures related to the principles and objectives of this Convention applied by the Administering Powers within the territories mentioned in sub-paragraph (a) of this paragraph and shall express opinions and make recommendations to these bodies,".

162. At the 1368th meeting the representatives of Lebanon and Saudi Arabia accepted an oral amendment of the United Republic of Tanzania to add to their text for paragraph 2 (b) the word "directly" between the words "measures" and "related".

163. At the same meeting, the representative of the United Republic of Tanzania orally proposed as an amendment to the amendment of Lebanon and Saudi Arabia the addition of a new paragraph 2 (c) to read as follows:

"The Committee shall be empowered to receive comments, complaints, statements, or other communication directly from the inhabitants of these territories with respect to the legislative, judicial, administrative or other measures applied by the Administering Powers in such territories."

Paragraph 3

164. Lebanon and Saudi Arabia proposed (A/C.3/L.1319) to replace paragraph 3 by the following:

"3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee, related to the said petitions and reports."

Paragraph 4

165. At the 1368th meeting the representative of Nigeria orally proposed that the words "paragraph 1" be replaced by "paragraph 2 (a)". The sponsors accepted this amendment.

Voting

166. At its 1368th meeting on 8 December, the Committee voted on the third revised text of Article XIII (bis) proposed by the twenty-two Powers (see paragraph 160 above) and the amendments thereto as follows:

- (a) The amendment of Lebanon and Saudi Arabia to paragraph 2 (b) (see paragraphs 161-162 above) was adopted by 58 votes to 2, with 29 abstentions;
- (b) The amendment of the United Republic of Tanzania to add a new paragraph 2 (c) (see paragraph 163 above) was rejected in a roll-call vote, taken at the request of the United States of America, by 43 votes to 25, with 23 abstentions. The voting was as follows:

In favour: Algeria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Chad, Congo (Democratic Republic of), Cuba, Czechoslovakia, Dahomey, Guinea, Hungary, Iraq, Mauritania, Mongolia, Poland, Sudan, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Madagascar, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Senegal, Sierra Leone, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Afghanistan, Bolivia, Brazil, Ceylon, Haiti, India, Iran, Ivory Coast, Jordan, Kenya, Kuwait, Libya, Malawi, Mexico, Morocco, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Uganda, Upper Volta, Venezuela.

- (c) The amendment of Lebanon and Saudi Arabia to paragraph 3 (see paragraph 164 above) was adopted by 58 votes to 2, with 29 abstentions;
- (d) Paragraph 1 of the twenty-two-Power proposal was adopted by 86 votes to 1, with 2 abstentions;
- (e) Paragraph 2 (a) of the twenty-two Power proposal was adopted in a roll-call vote, requested by the representative of the United Kingdom, by 76 votes to 3, with 12 abstentions. The voting was as follows:

/...

In favour: Afghanistan, Algeria, Argentina, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Ceylon, Chad, Chile, China, Congo (Democratic Republic of), Cuba, Czechoslovakia, Dahomey, Denmark, Ecuador, Ethiopia, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Mauritania, Mexico, Mongolia, Morocco, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia.

Against: Australia, Portugal, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, France, Iceland, New Zealand, Thailand, United States of America, Upper Volta.

(f) Paragraph 4 of the twenty-two-Power proposal, as orally revised (see paragraph 165 above), was adopted by 81 votes to 1, with 7 abstentions;

(g) Article XIII (bis), as a whole, as amended, was adopted in a roll-call vote, requested by the representative of the United Republic of Tanzania, by 83 votes to 2, with 6 abstentions (for text, see paragraph 212, draft resolution A, annex, article 15). The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Ceylon, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cuba, Czechoslovakia, Dahomey, Denmark, Ecuador, Ethiopia, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Mauritania, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia.

Against: Portugal, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Belgium, Canada, France, United States of America, Upper Volta.

Article XIV (Article 16)*

167. The text of Article XVI proposed by Ghana, Mauritania and the Philippines (A/C.3/L.1291, article XIII), which was discussed at the 1358th meeting on 29 November 1965, read as follows:

"The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to existing constitutional or other binding provisions of agencies related to the United Nations dealing with the settlement of disputes or complaints in the field of discrimination, and shall not prevent the States Parties to the Convention from resorting to other procedures for settling a dispute in accordance with the general or special international agreements in force between them."

Amendments submitted

168. New Zealand proposed (A/C.3/L.1304): (a) replacing the words "existing constitutional or other binding provisions of agencies related to the United Nations dealing with the settlement of disputes or complaints in the field of discrimination" by the words "other procedures available for settling disputes or complaints in the field of discrimination and laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies"; (b) deleting the words "to the Convention" after the words "States Parties".

169. At the 1358th meeting the representative of Lebanon orally proposed the deletion of the words "available" and the word "and" in the first part of the amendment of New Zealand. These deletions were accepted by New Zealand.

170. At the same meeting, the New Zealand amendments incorporating the Lebanese amendments were accepted by Ghana, Mauritania and the Philippines.

Voting

171. At its 1358th meeting the Committee voted on Article XIV as amended by New Zealand and Lebanon and accepted by Ghana, Mauritania and the Philippines (see paragraph 170 above) as follows:

- (a) The first part of the text up to the words "specialized agencies" was adopted by 78 votes to none, with one abstention.
- (b) The remainder of the text was voted on separately, at the request of the representative of Belgium, and retained by 58 votes to 4, with 13 abstentions.
- (c) Article XIV as a whole, as revised, was adopted by 78 votes to none, with one abstention (for text, see paragraph 212, draft resolution A, annex, article 16).

Financial implications of the articles on measures
of implementation

172. A statement of financial implications was submitted by the Secretary-General (A/C.3/L.1292) on the articles of implementation proposed by Ghana, Mauritania and the Philippines (A/C.3/L.1291). During the course of the discussion on the articles, oral statements on financial implications were made at the 1352nd, 1353rd, 1354th, 1355th, and 1356th meetings held on 23, 24, 25 and 26 November 1965.

C. Final Clauses

173. At its 1299th meeting on 11 October 1965 the Committee agreed that the Officers of the Committee should submit to the Committee suggestions for final clauses based on the document on final clauses (E/CN.4/L.679) transmitted to the General Assembly by the Commission on Human Rights (see paragraph 4 (d) above).

174. The Committee discussed the final clauses on the basis of suggestions submitted by its Officers (A/C.3/L.1237) at its 1358th and 1366th to 1368th meetings held on 29 November, 6, 7 and 8 December 1965. It agreed that the clauses which were self-contained and referred to articles within themselves would be revised in the light of the final text of the Convention.

Clause I (Article 17)*

175. The text of clause I suggested by the Officers of the Committee (A/C.3/L.1237), which was discussed at the 1366th meeting on 6 December 1965, read as follows:

"1. The present Convention is open for signature by any State Member of the United Nations or of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the Convention.

"2. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations."

Amendments submitted

176. Poland proposed (A/C.3/L.1272) to replace paragraph 1 by the following text:

"The present Convention is open for signature by all States."

Voting

177. At its 1366th meeting the Committee voted on the text of clause I submitted by its Officers and the amendment thereto as follows:

"(a) At the request of the representative of Colombia the amendment of Poland (see paragraph 176 above) to paragraph 1 was voted on by roll-call and rejected by 41 votes to 32, with 18 abstentions. The voting was as follows:

In favour: Hungary, India, Iraq, Kenya, Kuwait, Mali, Mauritania, Mongolia, Morocco, Nigeria, Pakistan, Poland, Romania, Senegal, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Czechoslovakia, Ethiopia, Ghana, Guinea.

Against: Honduras, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Madagascar, Mexico, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Portugal, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Greece, Guatemala.

Abstaining: Iran, Lebanon, Libya, Malawi, Malaysia, Rwanda, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Upper Volta, Burma, Cameroon, Central African Republic, Dahomey, Gabon, Haiti.

(b) Clause I as a whole was adopted by 75 votes to 10, with 3 abstentions (for text, see paragraph 212, draft resolution A, annex, Article 17)."

Clause II (Article 18)*

178. The text of clause II suggested by the Officers of the Committee (A/C.3/L.1237), which was discussed at the 1366th meeting on 6 December 1965, read as follows:

"1. The present Convention shall be open to accession by an State referred to in paragraph 1 of article 1.

"2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations."

Amendments submitted

179. Poland proposed (A/C.3/L.1272) to replace paragraph 1 by the following text:

"The present Convention is open to accession by any State which has not signed it."

Voting

180. At its 1366th meeting the Committee voted on the text of clause II submitted by its Officers and the amendment thereto as follows:

"(a) At the request of the representative of Mauritania the amendment of Poland (see paragraph 179 above) to paragraph 1 was voted on by roll-call and rejected by 43 votes to 29, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, Iraq, Kuwait, Mali, Mauritania, Mongolia, Morocco, Nigeria, Pakistan, Poland, Romania, Senegal, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Haiti, Honduras, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Madagascar, Malaysia, Mexico, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Portugal, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Burma, Cameroon, Central African Republic, Chad, Dahomey, Gabon, India, Iran, Kenya, Lebanon, Libya, Malawi, Rwanda, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Upper Volta.

"(b) Also at the request of the representative of Mauritania clause III as a whole was voted on by roll-call and adopted by 76 votes to 12, with 3 abstentions (for text, see paragraph 212, draft resolution A, annex, article 18). The voting was as follows:

In favour: Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, India, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Rwanda, Senegal, Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Venezuela, Yemen, Yugoslavia, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burma, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica.

Against: Hungary, Mali, Mauritania, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia.

Abstaining: United Republic of Tanzania, Congo (Brazzaville), Dahomey.

Clause III (Article 19)*

181. The text of clause III suggested by the Officers of the Committee (A/C.3/L.1237), which was discussed at the 1366th meeting, read as follows:

"1. The present Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or instrument of accession.

"2. For each State ratifying the Convention or acceding to it after the deposit of the twentieth instrument of ratification or instrument of accession, the present Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession."

Amendment submitted

182. Ghana, Mauritania and the Philippines proposed (A/C.3/L.1313) to replace the word "twentieth" by "twenty-seventh" in paragraphs 1 and 2.

Voting

183. At its 1366th meeting the Committee voted on the text of clause III submitted by its Officers and the amendment thereto as follows:

(a) The amendment of Ghana, Mauritania and the Philippines (see paragraph 182 above) to paragraphs 1 and 2 was adopted without objection.

(b) Clause III as a whole, as amended, was adopted unanimously (for text, see paragraph 212, draft resolution A, annex, article 19).

Clause IV

184. The text of clause IV suggested by the Officers of the Committee (A/C.3/L.1237) which was discussed at the 1367th and 1368th meetings on 7 and 8 December 1965, read as follows:

"1. The present Convention shall apply to all non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any State Party is responsible. Subject to the provisions of paragraph 2 of this article, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which the Convention shall apply ipso facto as a result of such signature, ratification or accession.

"2. In any case in which the previous consent of a non-metropolitan territory is required by the constitutional laws or practices of the Party or of the non-metropolitan territory, the Party concerned shall endeavour to secure the needed consent of the non-metropolitan territory within the period of twelve months from the date of signature of the Convention by the metropolitan State, and when such consent has been obtained, the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General.

"3. After the expiry of the twelve-month period mentioned in the preceding paragraph, the States Parties concerned shall inform the Secretary-General of the results of the consultations with those non-metropolitan territories for whose international relations they are responsible and whose consent to the application of this Convention may have been withheld."

Amendments submitted

185. Poland proposed (A/C.3/L.1272) to delete the whole clause.

Voting

186. At its 1368th meeting the Committee adopted by 66 votes to 3, with 8 abstentions the amendment of Poland (see paragraph 185 above) to delete the whole clause.

Clause V

187. The text of clause V suggested by the Officers of the Committee (A/C.3/L.1237/Corr.1 in Spanish only), which was discussed at the 1367th meeting on 7 December 1965, read as follows;

"In the case of a Federal or non-unitary State, the following provisions shall apply:

"(a) With respect to those articles of this Convention that come within the legislative jurisdiction of the Federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;

"(b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the Federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

"(c) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action."

Amendment submitted

188. Poland proposed (A/C.3/L.1272) to delete the whole clause.

Voting

189. At its 1367th meeting, the Committee adopted by 63 votes to 7, with 16 abstentions the amendment of Poland (see paragraph 188 above) to delete the whole clause.

Clause VI

190. The text of Clause VI suggested by the Officers of the Committee (A/C.3/L.1237), which was discussed at the 1367th and 1368th meetings on 7 and 8 December 1965, read as follows:

"1. At the time of signature, ratification or accession, any State may make reservations to any article in the present Convention.

"2. If any State makes a reservation in accordance with paragraph 1 of the present article, the Convention, with the exception of those provisions to which the reservation relates, shall have effect as between the reserving State and the other Parties. The Secretary-General of the United Nations shall communicate the text of the reservation to all States which are or may become Parties to the Convention. Any State Party to the Convention or which thereafter becomes a Party may notify the Secretary-General that it does not agree to consider itself bound by the Convention with respect to the State making the reservation. This notification must be made, in the case of a State already a Party, within ninety days from the date of the communication by the Secretary-General; and, in the case of a State subsequently becoming a Party, within ninety days from the date when the instrument of ratification or accession is deposited. In the event that such a notification is made, the Convention shall not be deemed to be in effect between the State making the notification and the State making the reservation.

"3. Any State making the reservation in accordance with paragraph 1 of the present article may at any time withdraw the reservation, in whole or in part, after it has been accepted, by a notification to this effect addressed to the Secretary-General of the United Nations. Such notification shall take effect on the date on which it is received."

Amendments submitted

191. Poland proposed (A/C.3/L.1272) to replace the text by the following:

"1. At the time of signature, ratification or accession, any State may make reservations to the present Convention with the exception of articles I, II, III, IV, V.

"2. Any State Party which has made reservations in accordance with paragraph 1 of the present article may at any time withdraw them by written notification to this effect to the Secretary-General of the United Nations. Such notification shall take effect on the date on which it is received."

192. The amendment of Ghana, Mauritania and the Philippines (A/C.3/L.1314) sought to insert "I to V and VIII to XIV" after the word "Articles" in paragraph 1 of the Polish amendment.

193. At the 1368th meeting the representative of Canada orally proposed to delete the whole clause.

Voting

194. At its 1368th meeting the Committee adopted by 25 votes to 19, with 34 abstentions the amendment of Canada (see paragraph 193 above) to delete the whole clause.

Clause VII (Article 20)*

195. The text of Clause VII suggested by the Officers of the Committee (A/C.3/L.1237), which was discussed at the 1367th meeting on 7 December 1965, read as follows:

"A Contracting State may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General."

Voting

196. Clause VII as suggested was adopted unanimously (for text, see paragraph 212, draft resolution A, annex, article 20)

Clause VIII (Article 21)*

197. The text of Clause VIII suggested by the Officers of the Committee (A/C.3/L.1237), which was discussed at the 1367th meeting on 7 December 1965, read as follows:

"Any dispute between two or more Contracting States over the interpretation or application of this Convention, which is not settled by negotiation, shall at the request of any of the parties to the dispute be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement."

Amendments submitted

198. The amendment of Poland (A/C.3/L.1272) sought to replace the word "any" by "all".

199. The amendment of Ghana, Mauritania and the Philippines (A/C.3/L.1313) called for the deletion of the comma after "negotiation" and the insertion of the following between the words "negotiation" and "shall": "or by the procedures expressly provided for in this Convention".

Voting

200. At its 1367th meeting the Committee voted on the text of Clause VIII submitted by its Officers and the amendments thereto as follows:

(a) The amendment of Ghana, Mauritania and the Philippines (see paragraph 199 above) was adopted without objection.

(b) The amendment of Poland (see paragraph 198) was rejected by 37 votes to 26, with 26 abstentions.

(c) Clause VIII as a whole, as amended, was adopted by 70 votes to 9, with 8 abstentions (for text, see paragraph 212, draft resolution A, annex, article 21).

Clause IX (Article 22)*

201. The text of Clause IX suggested by the Officers of the Committee (A/C.3/L.1237), which was discussed at the 1367th meeting on 7 December 1965, read as follows:

"A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General. The General Assembly shall decide upon the steps, if any, to be taken in respect of such a request."

Voting

202. At its 1367th meeting the Committee voted on the text of Clause IX submitted by its Officers as follows:

- (a) At the request of the representative of France, the second sentence was voted on separately and adopted by 47 votes to 21, with 23 abstentions.
- (b) Clause IX as a whole, was adopted by 75 votes to none, with 16 abstentions (for text, see paragraph 212, draft resolution A, annex, article 22).

Clause X (Article 23)*

203. The text of Clause X suggested by the Officers of the Committee (A/C.3/L.1237), which was discussed at the 1367th meeting on 7 December 1965, read as follows:

"The Secretary-General of the United Nations shall inform all States referred to in paragraph (1) of article I of the following particulars:

"(a) Signatures, ratifications and accessions under articles I and II;

"(b) The date of entry into force of this Convention under Article III;

"(c) Communications and ratifications received in accordance with Article IV, V and IX;

"(d) Reservations and denunciations under article VI and VII."

Voting

204. At its 1367th meeting the Committee voted on the text of Clause X submitted by its Officers as follows:

(a) At the request of the representative of Poland the words "referred to in paragraph (1) of Article I" in the opening phrase were voted on separately and adopted by 62 votes to 11, with 18 abstentions.

(b) Clause X as a whole, was adopted by 81 votes to none, with 10 abstentions (for text, see paragraph 212, draft resolution A, annex, article 23).

205. The Committee agreed that consequential changes necessitated by decisions which the Committee had taken or would take would be made in the final text of this clause (see paragraph 212, draft resolution A, annex, article 23).

Clause XI (Article 24)*

206. The text of Clause XI suggested by the Officers of the Committee (A/C.3/L.1237), which was discussed at the 1367th meeting, read as follows:

"1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations."

"2. The Secretary-General of the United Nations shall transmit certified copies of the Convention to all States belonging to any of the categories mentioned in paragraph 1 of Article I."

Amendment submitted

207. Poland proposed (A/C.3/L.1272) to delete from paragraph 2 the words "belonging to any of the categories in paragraph (1) of Article I,".

Voting

208. At its 1367th meeting, the Committee voted on the text of Clause XI submitted by the Officers as follows:

- (a) The Polish amendment (see paragraph 207 above) was rejected by 55 votes to 14, with 20 abstentions.
- (b) Clause XI as a whole was adopted by 78 votes to none, with 10 abstentions (for text, see paragraph 212, draft resolution A, article 24).

III. ADOPTION OF THE DRAFT CONVENTION AND THE
DRAFT RESOLUTIONS RELATING THERETO

209. At its 1373rd meeting on 15 December 1965, the Committee voted by roll call, at the request of the representative of Mauritania, on the text of the draft Convention as a whole, with minor drafting changes suggested by its Officers (A/C.3/L.1327), and adopted it unanimously. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Mauritania, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None

Abstentions: None

210. At the same meeting, the Committee considered a draft resolution submitted by Ghana, Guinea, United Arab Republic, United Republic of Tanzania and Yugoslavia (A/C.3/L.1330) concerning the adoption and opening for signature of the Convention and the publicity to be given to it. Greece proposed an amendment to insert after the words "Invites States", in operative paragraph 2 of the draft resolution, the words "referred to in article 17 of the Convention". The amendment of Greece was adopted by 50 votes to 16, with 11 abstentions. Operative paragraph 2 of the draft resolution as amended was adopted by 61 votes to 1, with 14 abstentions. The joint draft resolution, as a whole, as amended, was adopted unanimously.

211. Also at the same meeting, a draft resolution was submitted by Ghana, United Arab Republic and United Republic of Tanzania (A/C.3/L.1329) relating to article 15 of the Convention; Jamaica and Mauritania later joined as co-sponsors. This draft resolution was adopted by 70 votes to 1, with 11 abstentions.

IV. RECOMMENDATIONS OF THE THIRD COMMITTEE

212. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

International Convention on the Elimination of All Forms of Racial Discrimination

A

The General Assembly,

Considering that it is appropriate to conclude under the auspices of the United Nations an International Convention on the Elimination of all Forms of Racial Discrimination,

Convinced that the Convention will be an important step towards the elimination of all forms of racial discrimination and that it should be signed and ratified as soon as possible by States and its provisions implemented without delay,

Considering further that the text of the Convention should be made known throughout the world,

1. Adopts and opens for signature and ratification the Convention annexed to the present resolution;
2. Invites States referred to in Article 17 of the Convention to sign and ratify the Convention without any delay;
3. Requests the Governments of States and non-governmental organizations to publicize the text of the Convention as widely as possible, using every means at their disposal, including all the appropriate media of information;
4. Requests the Secretary-General to ensure the immediate and wide circulation of the Convention and to that end to publish and distribute its text;
5. Requests the Secretary-General to submit to the General Assembly reports concerning the state of ratifications of the Convention which will be considered by the General Assembly at future sessions as a separate agenda item.

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ANNEX

International Convention on the Elimination of All Forms of
Racial Discrimination

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinctions of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

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Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention on Discrimination in Respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention Against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention the term "racial discrimination" shall mean any destination, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the /...

recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and promoting understanding among all races, and to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate, in territories under their jurisdiction, all practices of this nature.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination, and to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

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Article 5

In compliance with the fundamental obligations laid down in article 2, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution;
- (c) Political rights, in particular the rights to participate in elections to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
 - (i) the right to freedom of movement and residence within the border of the State;
 - (ii) the right to leave any country, including his own, and to return to his country;
 - (iii) the right to nationality;
 - (iv) the right to marriage and choice of spouse;
 - (v) the right to own property alone as well as in association with others;
 - (vi) the right to inherit;
 - (vii) the right to freedom of thought, conscience and religion;
 - (viii) the right to freedom of opinion and expression;
 - (ix) the right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) the rights to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, just and favourable remuneration;
 - (ii) the right to form and join trade unions;

- (iii) the right to housing;
- (iv) the right to public health, medical care and social security and social services;
- (v) the right to education and training;
- (vi) the right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafés, theatres, parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

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PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from amongst their nationals who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilizations as well as of the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated indicating the States Parties which have nominated them and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at the Headquarters of the United Nations. At that meeting, for which two-thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its national subject to the approval of the Committee.

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6. The States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. The States Parties undertake to submit to the Secretary-General for consideration by the Committee a report on the legislative, judicial, administrative, or other measures that they have adopted and that give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually through the Secretary-General to the General Assembly on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at the Headquarters of the United Nations.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notice given to the Committee and also to the other State.
3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.
4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.
5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it thinks necessary, the Chairman shall appoint an ad hoc Conciliation Commission (hereinafter referred to as "the Commission") comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution to the matter on the basis of respect for this Convention.

(b) If the States parties to the dispute fail to reach agreement on all or part of the composition of the Commission within three months, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by two-thirds majority vote by secret ballot of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

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3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations, or at any other convenient place as determined by the Commission.
5. The secretariat provided in accordance with article 10, paragraph 3, shall also service the Commission whenever a dispute among States Parties brings the Commission into being.
6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General.
7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.
8. The information obtained and collated by the Committee shall be made available to the Commission and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.
2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall within three months inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.
3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups

of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article, shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

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7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of General Assembly resolution 1514 (XV) of 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories, and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the territories mentioned in sub-paragraph (a) of this paragraph and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee related to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

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Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 21

Any dispute between two or more States Parties over the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall at the request of any of the parties to the dispute be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 22

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General.
2. The General Assembly shall decide upon the steps, if any, to be taken in respect of such a request.

Article 23

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of the following particulars:

- (a) Signatures, ratifications and accessions under articles 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14 and 22;
- (d) Denunciations under article 20.

Article 24

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1.

B

The General Assembly,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Bearing in mind General Assembly resolution 1654 (XVI) of 27 November 1961, which established the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to examine the application of the Declaration and to carry out its provisions by all means at its disposal,

Bearing in mind also the provisions of article 15 of the Convention on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly on ___ December 1965,

Recalling that the General Assembly has established other bodies to receive and examine petitions from the peoples of colonial countries,

Convinced that close co-operation between the Committee established by the Convention on the Elimination of All Forms of Racial Discrimination and the bodies

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of the United Nations charged with receiving and examining petitions from the peoples of colonial countries will facilitate the achievement of the objectives of both the Convention and the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recognizing that elimination of racial discrimination in all its forms is vital to the achievement of fundamental human rights and assurance of the dignity and worth of the human person, and thus constitutes a pre-emptory obligation under the Charter of the United Nations,

1. Calls upon the Secretary-General, periodically or upon request of the Committee, to make available to the Committee established by the Convention on the Elimination of All Forms of Racial Discrimination, all information in his possession relevant to article 15 of the said Convention;

2. Requests the Special Committee on the Situation with regard to the Implementation of the Granting of Independence to Colonial Countries and Peoples, and all other bodies of the United Nations authorized to receive and examine petitions from the peoples of the colonial countries, to transmit to the Committee established by the Convention, periodically or upon request of the Committee, copies of petitions from these peoples relevant to the Convention, for the comments and recommendations of the said Committee;

3. Requests the bodies referred to in operative paragraph 2 above to include in their annual reports to the General Assembly a summary of actions taken by them under the terms of the present resolution.
